

REMARKS

Claims 1, 3-5, 7-12, 17, 18, 47, 49-51, 53-58, 63 and 64 were examined in the Office Action under reply.¹ Applicants note with appreciation the withdrawal of all of the previous rejections.

The claims now stand rejected solely under the judicially created doctrine of obviousness-type double patenting over U.S. Patent No. 6,117,983. Applicants are submitting a Terminal Disclaimer over the '983 patent. Accordingly, the obviousness-type double patenting rejection has been overcome and withdrawal thereof is respectfully requested. Applicants are also submitting a voluntary Terminal Disclaimer over related Patent Application Serial No. 09/564,414.

Applicants also request to be informed of the status of the Request to Correct Inventorship filed November 10, 2003.

¹ Applicants note the Office Action states claims 1-12, 17, 18, 47-51, 53-58, 63 and 64 are pending. However, claims 2, 6 and 48 were cancelled in the response submitted September 16, 1998.

CONCLUSION

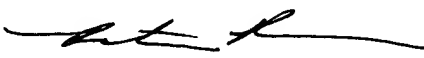
Applicants respectfully submit that the pending claims define a patentable invention. Accordingly, allowance is believed to be in order and an early notification to that effect would be appreciated.

Please direct all further communications in this application to:

T. Helen Payne, Esq.
Chiron Corporation
Intellectual Property – R440
P.O. Box 8097
Emeryville, CA 94662-8097
Telephone: (510) 923-3004
Facsimile: (510) 655-3542.

Respectfully submitted,

Date: 3/15/05

By: 
Roberta L. Robins
Registration No. 33,208
Attorney for Applicants

Chiron Corporation
Intellectual Property – R440
PO Box 8097
Emeryville, CA 94662-8097